

REMARKS/ARGUMENTS

Claim 1 is amended by adding the subject matter of claim 2 into claim 1. Thus, Claim 1 (amended) is Claim 2 amended to be independent.

Claims 2 and 3 are cancelled.

The dependency of Claim 19 is changed to depend from Claim 18, thereby to avoid an objection. The other suggested change was also made.

The request at the top of page 3 appears to be a clerical error. The amendments were refilled as necessary. Also there is no further section 3 issues. If the rejection is continued, clarification is requested.

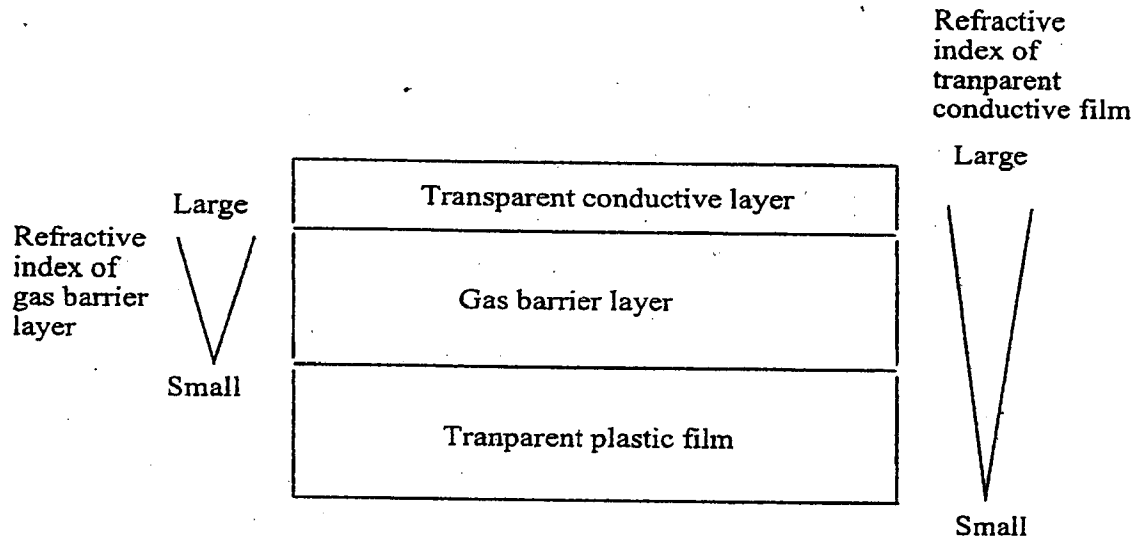
Claims 1, 3 and 4 are rejected as anticipated over Sakai.

Claim 1 is amended to include Claim 2 thereby distinguishing over the structure shown in Sakai (JP-A 10-309770).

Claims 2, 18 and 19 are rejected over Sakai et al in view of Yuasa et al and over Sakai in view of Van der Werf further in view of Yuasa.

The transparent conductive film as claimed in claim 1 has the following features shown in the Fig. A:

Fig. A



The Examiner relies on Sakai as the primary reference for teaching, at paragraph [0048], that the transparent conductive film may have the layers of the order of:

plastic film/barrier layer/transparent conductive layer.

The object of Sakai is to provide a transparent conductive film having a chemical resistive property, a high gas barrier

property and a high rigidity comparable to a glass substrate. Within this object, Sakai does not show or suggest to control the value of the refractive index of a transparent conductive film in order to obtain an organic EL element emitting high luminance by using the transparent conductive film having the claimed refractive index property (see page 13, lines 11-of the present specification,).

In other words, Sakai is not aware of the effects obtained by the structures having the refractive index inside of gas barrier layer and the refractive index of whole transparent conductive film as shown in Fig. A and required by the claims. Therefore, there is no reason to modify Sakai as required, to render the present claims obvious.

The most important effects of the present invention can be obtained by providing the two refractive indexes as described above and required in Claim 1. Examples of the present invention are shown in Examples 6 and 7. And the luminance evaluation obtained from organic EL elements are shown at page 71 of the present specification.

The additional art combined with Sakai, does not change the differences noted above. For example, Yuasa is cited to teach varying silicon dioxide and titanium dioxide within a functionally gradient official filing. This does not provide missing teachings or the motivation to modify Sakai to meet the present invention requirement. Also, in view of the different objects, one would not obviously combine Yuasa with Sakai.

Van der Werf is also directed to a different object and would not be obviously combinable with Sakai. Even when combined with the other cited art, it does not provide the missing motivation to modify the parameters as required for the present invention objects. Also, it does not recognize the effect of modifying the claimed elements and combining its teaching does not bridge the missing teaching detailed above.

The Examiner considers it obvious to combine these references because they are all dealing with optical materials. However, Sakai has different property requirements than the present invention as discussed above. None of the art recognizes the importance of the claimed parameters. Therefore one would

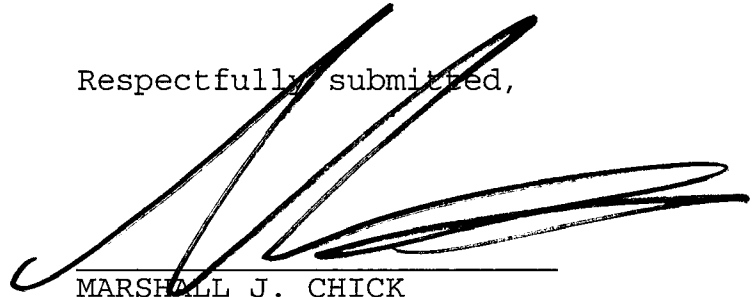
Appl. No. 10/594,096
Reply to Office Action of November 12, 2009

not look to Sakai even if it did have relevant teaching when combined with the other art.

In view of the above, the rejections are avoided. Allowance of the application is therefore respectfully requested.

Frishauf, Holtz, Goodman
& Chick, P.C.
220 Fifth Ave., 16th Floor
New York, NY 10001-7708
Tel. No.: (212) 319-4900
Fax No.: (212) 319-5101
MJC:sg

Respectfully submitted,



MARSHALL J. CHICK
Reg. No. 26,853